

**Ibadan Dry Port Initiative / Implementing the Cabotage Act:
The Role of Lawyers
Seminar at the 50th Anniversary Celebration of the Nigerian Bar
Association, Ibadan Branch**

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Ibadan Dry Port Initiative: The Role of Lawyers

- Two very broad topics though related to maritime transport are very different in concept and legal issues connected therewith;
- With your permission this presentation will focus primarily on the Ibadan ICD as I consider it very relevant to the continued pre-eminence of this historic city in the transportation chain;
- A couple of slides would highlight the key issues on Cabotage.
- Notice that the topic now reads Ibadan ICD ie Inland Container Depot being the technical term instead of Ibadan Dry Port;
- The primary role of lawyers is first to understand the concept of ICDs, and all the legal issues involved in order to be well equipped to advise the relevant parties.
- ICD is a key link in international transportation chain. It serves as an intermodal and multimodal terminal for goods, we therefore need to be familiar from onset with the different modes of transporting goods.
- Goods may be transported by sea, road, rail or by air or by a combination of the different modes.
- Unimodal:
 - Where carriage is by a single mode e,g sea or road;
- Multimodal:
- Where carriage is by a combination of two or more modes. Example- import of lace material from India destined for Ibadan. Lace is carried by sea from India in a container to Apapa port, then transported by road to Ibadan;
- According to the UN Convention on International Multimodal Transport of Goods multimodalism "is the carriage of goods by at least two different modes of transport on the basis of a multimodal transport contract from a place in one country at which the goods are taken in charge by the multimodal transport operator to a place designated for delivery situated in a different country";
- Combination of the two terms i.e. ICD and dry port (inland, container, depot, dry ports) gives a complete picture of the concept of ICDs.
- Inland/dry - implies that ICDs are located in landlocked/hinterland trading hub cities instead of coastal;
- Container – implies containerization of cargo i.e. moving goods from one place to another in containers;
- Depot – implies place for storage, warehousing, consolidation, stuffing and stripping of containers;

- Ports – implies point for receiving cargo, loading container onto and discharging from identified unimodal transport, customs clearance and delivery of cargo;
- UNCTAD defines ICD as “A common user facility with public authority status equipped with fixed installation and offering services for handling and temporary storage of any kind of goods (including containers) carried under customs control and with customs and other agencies competent to clear goods for home use, warehousing, temporary admission, re-export, temporary storage for onward transit and outright export”.
- We would adopt the above as the working definition for this paper and most of the legal issues arising therefrom would be discussed presently.
- ICDs put simply performs virtually all the functions of a port with the exception of stevedoring i.e. loading and discharging of cargo from ships;
- Usually situated
 - in trading/agricultural or industrial hub centres;
 - in places with existing multimodal linkages e.g. rail and road network from the sea ports and load centres.

- Though focus of this presentation is on legal issues rather than technical operational matters, for completeness, we list below some essential infrastructural facilities for an ICD:
 - Container handling equipment;
 - Shed, warehouses, stacking areas for transit storage;
 - Cargo inspection facilities;
 - Custom clearance facilities;
 - Rail siding;
 - Interchange area (road haulage);
 - Communication facilities;
 - Fenced enclosure/gate.